

**TIVERTON PLANNING BOARD
MINUTES OF SPECIAL MEETING
September 23, 2014**

Chairman Stephen Hughes called the special meeting of the Tiverton Planning Board to order at 7:13 P.M. at the Tiverton High School Auditorium, 100 North Brayton Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell, Peter Corr and David Saurette.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, consulting engineer Deirdre Paiva of Commonwealth Engineers and Consultants and the Planning Board's Solicitor, Peter Ruggiero, Esq. and his associate David Petrarca, Esq. Court stenographer (referred to her as that at the break) Karen Ceseretti for the applicant was also present and seated in the audience.

1. Carpionato Group, LLC, Applicant – 1414 Atwood Avenue – Johnston, RI 02919 – Master Plan Review – Public Informational Meeting – Major Land Development – Request for Zoning Ordinance & Map Amendment – Request for Amendment to the Comprehensive Community Plan – Recommendation to the Town Council – S/S Souza Road, N/S Route 24, E/S Main Road – R-40 Zoning District – Plat 110 / Lot 102 (Vacant), Plat 301 / Lot 220 (Vacant), Plat 301 / Lot 221 (1148 Main Road) – Tiverton Crossings – Mixed-Use Major Land Development – Phased – (Retail / Office / Residential / Hotel / Restaurant) – Time Clock = 12/11/2014 Joseph Pierik and Kelly Coates of Carpionato Group, LLC, attorneys Thomas Moses and Kerin Browning of Moses, Afonso and Ryan, engineers David Taglianetti and Robert Clinton of VHB and planner Joseph Lombardo were present on behalf of the applicant.

Planning Board member and property owner/abutter Peter Corr recused himself and left the table. Board member Susan Gill asked to read a statement prior to discussion of this agenda item. (A copy of the written statement is attached to these minutes.) In summary, she stated that she had announced the meeting date and time for the Tiverton Crossings hearing at a Discover Newport meeting. She stressed that she did not speak in favor or against the petition and had only passed along the meeting information for any interested parties.

Items for Discussion and Possible Vote:

A. Interpretation of Fee Schedule The Chairman stated that the application fee had been paid in full.

B. Engineering Review – Commonwealth Engineers and Consultants

- 1. Site Plan**
- 2. Traffic Impact Analysis**
- 3. Planning Board Questions / Comments**
- 4. VHB / Applicant Response**

The Chairman noted that two sets of written comments had been received from Commonwealth; one for the Site Plan (dated September 3, 2014) and one for the Traffic Impact Analysis (dated September 2, 2014). Mr. Moses stated that the applicant was not prepared to respond, noting that the comments were voluminous. He stated that he thought that the Board would just accept the reports from Commonwealth with the applicant's response at a later meeting. He stated that the engineers were present, and that they would do their best to respond.

The Chairman confirmed that the applicant had received the written comments on September 3rd, noting that there had been ample time to begin to address Commonwealth's comments. Mr. Moses stated that the applicant had not been instructed to be prepared to discuss the engineering comments at the meeting. The Chairman replied that the applicant had received a copy of the agenda. Mr. Moses stated that many of Commonwealth's issues were for Preliminary Plan, not Master Plan. The Chairman asked the Board how they would like to proceed.

Ms. Eva expressed her disappointment with the quality of the submission noting that the plan size were mismatched and very cumbersome and the dates of the reports were outdated. Mr. Taglianetti stated that they had received Commonwealth's comments two (2) weeks ago, but were waiting for all other comments in order to address them at one time. He also stated that it would make sense for VHB and Commonwealth to meet and review the comments. The Chairman noted that Commonwealth's comment letters had offered to do just that.

The Chairman suggested that perhaps Mr. Taglianetti could address the substantive issues. Mr. Taglianetti agreed and stated that the comments regarding sidewalks would need to be explored. He also stated that:

- There would be a twenty-five (25) foot landscaping buffer from the edge of pavement to the site along Souza Road.
- Loading spaces were provided as the applicant felt they were needed. Some buildings would not require loading.
- Regarding the twenty-five (25) foot setback to Route 24: This was a comment issued throughout the review. Mr. Taglianetti stated that grading or retaining walls would be addressed at Preliminary Plan. He added that either parking would be reduced or the buildings shifted as needed.
- Regarding stormwater management: The design is conceptual, and the full design would be reviewed by Commonwealth, RIDOT (Rhode Island Department of Transportation) and RIDEM (Rhode Island Department of Environmental Management) and would be in compliance with the 2010 Stormwater Regulations.
- Regarding utilities: The projected sewer flows were presented on the plan. Mr. Taglianetti stated that capacity was sufficient for both sewer and water and that VHB was working with the Fall River sewer and water departments who have an abundance of capacity.

The Chairman inquired about the location of the wetlands. Ms. Paiva noted that the wetlands flags need to be verified. Mr. Taglianetti replied that the wetlands delineation and the survey had been prepared by another company (Garofalo Associates) and that there had been "layer control issues". He added that some erroneous wetlands flags were depicted on the plans. He stated that a new existing conditions map would be submitted and that a property line discrepancy was being investigated.

Ms. Paiva stated that stormwater management systems are designed at Preliminary Plan stage, but that the Master Plan needs to show that the system will work. She noted that the system must not encroach on the wetlands or buffers. Mr. Taglianetti replied that the plans would be revised to remove the encroachments. Ms. Paiva noted that the grades indicated that the detention pond was significantly deep, and that it would not be constructed as shown on the plans. Mr. Taglianetti replied that this was an issue regarding the depth to groundwater in the area adjacent to Route 24 where there would be larger cuts. He noted that there is a large ledge outcrop alongside Route 24, with groundwater well below. He stated that they have test pit data, but no borings below the ledge.

The Chairman inquired about transportation improvements. He asked if there would be any acquisition of property required to construct the proposed improvements. Ms. Paiva replied that there did not appear to be on the plans presented. The Chairman inquired about the Auto Turn Analysis of traffic improvements. Ms. Paiva replied that this item could wait. Mr. Taglianetti stated that road widening would only occur on the applicant's side of Souza Road and that the only area targeted for acquisition was along Fish Road in the area of the Park and Ride, in order to accommodate additional turning lanes. He stated that no takings were proposed on Souza Road or Main Road. He added that the areas of improvement (widening) would be shown on the plans with dimensions along with the access driveways from adjacent roadways.

Ms. Michaud asked if there were any alterations to wetlands or buffers proposed. Mr. Taglianetti replied in the negative. Mr. Hardy noted that Low Impact Development (LID) techniques focus on stormwater management. He stated that the applicant had made an effort to cut down on pervious area, but that much of the site is in the Archer Brook watershed, which drains to Sin and Flesh Brook and a Natural Heritage Area. He stressed that the

applicant must be sensitive to this area and minimize the amount of runoff produced. Mr. Hardy also expressed concern regarding the approximately thirty (30) feet of ledge that the applicant was proposing to remove from the site. He opined that this was not really consistent with LID and that it seemed odd to remove so much ledge when the added height could capture “million dollar views”. Mr. Hardy also stated that the placement of the buildings reminded him of a conventional mall layout instead of a traditional village layout and suggested that the buildings could be rearranged without reducing square footage.

The Chairman noted that the five-year build out in the Traffic Impact Analysis ended in 2018 and that it needed to be updated. Mr. Clinton replied that the 2013 traffic volumes were higher than average by 4% for the month and 10% for the day. He stated that 2014 figures would be lower and that an annual growth rate of 1.5% was used for a conservative volume estimate. Ms. Paiva opined that VHB did not need to recount the traffic, but that it could be expanded past five years and supplemented with the many counts that had been performed by Commonwealth. She added that traffic should be analyzed by phase. Mr. Clinton stated that the full build out of the Industrial Park had been included in the figures and that traffic signals were being proposed at intersections where the warrants might not be met.

Mr. Saurette stated that his comments pertained more to the Preliminary Plan stage of review. Ms. Eva stated that if the plans were revised, she would prefer 24” x 36” plans for ease of review. She expressed her disappointment with the submission, stating that it was old data using old software. Ms. Cote stated that she wanted to listen and reserve her comments for a later time.

Mr. Hardy asked the applicant to address the letter received by the Board from Edward Sanderson, Executive Director of the RI Historical Preservation and Heritage Commission (RIHPHC)/ Deputy State Historic Preservation Officer (dated September 18, 2014). He asked if it would be possible to do nothing within the Osborn-Bennet Historic District, at least temporarily. He asked if work on Main Road could be delayed to see how Phases 1 and 2 worked out. Mr. Coates replied that the process with the RIHPHC was interactive, and that he had worked with Mr. Sanderson and his staff before. Mr. Coates stated that he was confident that the applicant could sit down with the RIHPHC and work through the concerns. He stated that it would not be a problem to delay development in that area, but it could be a problem to delay the entry road construction. Mr. Coates stated that Mr. Sanderson had a problem with removing the existing house (1148 Main Road), and that maybe the road could be left in place with a reduced width or an adjusted location. Ms. Guimond expressed concern regarding the impact of the Main Road entrance, asking if there would be a better way to handle it. The Chairman invited questions and comments from the Board.

Ms. Gill asked if the proposed community center would be for use by the Town or just the residents of the development. Mr. Coates replied that it was intended for use by the residents. He stated that it could provide meeting space. He added that meeting space would also be available at the conference center. Mr. Coates added that the proposed zoning would allow the uses to move throughout the site, creating a flexible site design. Mr. Coates stated that it would be a challenge to have a hotel without visibility.

Mr. Campbell stated that he had no comments at this time. The Chairman asked if there was any possibility of acquiring direct access to Route 24, which would alleviate many traffic concerns. Mr. Coates replied that the applicant was in discussions with RIDOT regarding the potential. He noted that this would require an amendment to the Master Plan, if it was possible. The Chairman noted that other development proposals for the subject site had failed due to the traffic issues. Mr. Coates replied that it would be premature to accommodate this type of redesign at this time, but that the applicant was working interactively with RIDOT. He also noted that the Carpionato Group pays for its own [off-site] improvements and that this type of public / private partnership allows for more to be accomplished. He stated that the applicant would work with the Town Administrator and Town Council to address traffic improvements. He added that there are existing problems with the design of the Fish Road interchange that would also affect the Industrial Park.

Ms. Eva asked if any correspondence from the utilities (water, sewer) or departments had been received. Ms. Michaud read aloud a list of correspondence received and distributed since the last meeting. Ms. Eva stated that

she wanted to see formal / direct correspondence to the Planning Board from the Fire Chief rather than a summarization of an email made by the Administrative Office and an email from the Wastewater Management Superintendent rather than the newly formed District.

Mr. Hardy made a motion to take Agenda Item E. (Public Comment) out of order (after Item B.). Mr. Campbell seconded the motion. The motion passed 7-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion. Ms. Gill was opposed.

Before continuing, Mr. Saurette asked if the applicant could have the traffic engineers address the question about direct highway access and the process for acquiring direct highway access. Mr. Clinton stated that it was a process that involved Federal regulators (Federal Highway Administration) and RIDOT, and that the process was very lengthy. He stated that VHB had been involved in the new off-ramp for the Providence Place Mall, which was intended to spur other development in the area and involved a pre-existing exit. He stated that they had also been involved in the "Innovation Way" off-ramp in the Fall River Executive Park. Mr. Saurette noted that there were two (2) existing interchanges within a mile of each other, and asked if it was realistic to believe that another interchange would be allowed. Mr. Clinton replied that he did not believe that direct access from the highway would be allowed but it might be a secondary access road. Mr. Coates agreed that a freeway line break or separate ramp to this project would not be allowed.

The Chairman invited questions and comments from the audience.

Renee Jones, 161 Highland Road, read a statement regarding a regional mall proposed ten (10) years ago (see the file for a printed copy). She stated that people had been concerned about the impacts and that the Town had rezoned the property to residential. Ms. Jones stated that she had heard promises from the Villages on Mount Hope Bay (Starwood) and New England Development about the benefits of development. She stated that the property is currently zoned for homes and that there are no guarantees when the zoning gets changed. Ms. Jones referred to an article posted on GoLocalProv (see file for copy) regarding the 2008 demolition of the Providence Fruit Market by the Carpionato Group. She stated that the proposed project by Carpionato had never materialized and that the demolished buildings had been on the National Register of Historic Places. She added that the site is now a surface parking lot.

Ms. Jones opined that the phasing plan for this proposal provides a false sense of control and the Town cannot control the type of businesses that would go into the development. She added that there would be build out of secondary businesses in the area. She asked what would stop another developer from coming in to propose other zoning changes. Ms. Jones expressed concern regarding "spot zoning" and with Carpionato's proposal to change the Comprehensive Community Plan. In closing she urged the Planning Board to deny the application.

Paul Amaral, 9 Watermark Drive, read his recent Letter to the Editor (Sakonnet Times) aloud. (See file for a copy.) Mr. Amaral referenced conflicts with the Comprehensive Community Plan and urged the Planning Board to reject the project and anything like it in the future. He noted that Tiverton's tax rate is \$19.30 / \$1,000 and reviewed tax rates in other communities with commercial development, including: Warwick - \$19.79 / \$1,000; Providence - \$19.25 / \$1,000; Cranston - \$22.84 / \$1,000 and Lincoln - \$23.49 / \$1,000. Mr. Amaral stated that in order for the tax rate to be lowered, the project would have to be successful noting that the Harbor Mall in Fall River and Swansea Mall were both not doing well.

Louise Durfee, 262 Highland Road, opined that no part of the proposal complied with the Town's Comprehensive Community Plan. She stated that the drafting of the Comprehensive Community Plan had been a multi-year project with numerous public hearings in which it was indicated that the Town did not want a large scale commercial development or a mall. She stated that the developer is guided by profit, and asked if the proposed development would help the Town of Tiverton. She asked what gave the developers the right to change the Comprehensive Community Plan. Ms. Durfee stated that she was suspicious of what had been proposed, noting that the proposal had started as a gateway to the Town and now would be shielded from the street.

Ms. Durfee stated that she had looked at the developer's fiscal impact statement, but the numbers keep changing. She stated that the tenor of the remarks was that children would not reside within the development and that the dwellings would be "luxury units". She noted that the Fall River Herald News had quoted Mr. Coates as stating that two-bedroom units would rent for \$2,000-\$2,500. She asked who would pay that much. She stated that she had looked at the "apartments for rent" section of Sunday's Providence Journal and that units in Wickford were renting for \$700-\$821. She stated that this suggests that there is not much credibility to the idea that people will pay the same rents here that they will in cities with a lot of activity.

Ms. Durfee noted that a fiscal impact analysis is required by the Comprehensive Community Plan. She suggested that the Fire Chief will insist on a ladder truck, which will need a building to house it. She also stated that the police force would need to be expanded as malls bring crime. Ms. Durfee noted that on a prior application for this property, a criminal defense attorney residing in Tiverton had testified about the crime associated with malls. Ms. Durfee stated that she could not predict the DPW requirements.

Ms. Durfee stated that the proposed development would divide the Town in half, with Route 24 as the dividing line. She stated that instead of fighting traffic, people will go someplace else. She added that the proposed development would spur further development in Town and that she did not feel that it was fair to develop only the north end of Town. She stated that all residents have the right to quiet enjoyment of their property. Ms. Durfee stated that Tiverton is a great Town and that development has to work for everybody no matter where they live and that one section of Town cannot be sacrificed for tax revenue.

Manual Cabral, 132 Mark Drive, stated that he was the Acting Superintendent while William Rearick was out on medical leave. He stated that the School Committee had asked him to be present to read aloud Mr. Rearick's revised letter regarding potential school impacts (dated September 19, 2014 – see file). The letter was read and the Chairman noted that it had been received and distributed to the Board and was in the record.

Barbara Pelletier, 104 Bonniefield Drive, stated that Tiverton contains thirty (30) square miles of land area and opined that the proposed development would only be a small, small part of the Town. She stated that the proposed location was already a busy area and that she did not see how it would change the face of the Town. Ms. Pelletier stated that only negatives had been discussed and asked why no one was looking at the positives such as jobs and shops with easy access. She noted that currently almost the entire tax base is on the homeowners in Town.

Tony Maielli, Linda Road, stated that he works and lives in Tiverton, and works near the Souza Road area. He stated that he has tried to walk and ride bikes on Fish Road and Souza Road, and that it is very difficult. He stated that the development might be a good thing if it can improve the roads and sidewalks. He noted that this country was built on change and development. He also noted that the Town should be cautious, and that the site was current zoned for homes. He stated that residential development would still have an impact on schools, fire and police. Mr. Maielli stated that there will be some impact, unless the property remains vacant.

Constance Fleckenstein, 58 Cottage Avenue, stated that the Town already has a tennis court, skateboard park and playing fields and plenty of places to play and walk. She stated that there is entertainment at Sandywoods Farm and that Tiverton Four Corners was recently mentioned in Yankee Magazine. She stated that there is a gazebo on Middle Avenue and one at Sandywoods. Ms. Fleckenstein stated that she would like to see a gazebo at Grinnell's Beach. She noted that the Town is very beautiful, but that there are a lot of empty buildings surrounded by asphalt with the trees and wildlife gone. She noted that she walks her dog and saw a fox on her street and deer in her neighborhood. Ms. Fleckenstein stated that these things are precious to her and that wildlife is a gift. She stated that the Town has an excellent school department, fire and police services. Ms. Fleckenstein stated that the Town already has everything that the developer said that they will give. She urged the Planning Board not to allow more things to be built, but to use what we already have. She also expressed concern regarding crime.

At this time (9:00 PM), the Chairman called for a short recess for the stenographer. The session resumed at 9:12 PM.

Bruce Hathaway, 43 Lewis Street, stated that he had read the reports submitted by the applicant, and that he would limit his comments to traffic. Mr. Hathaway noted that he was the CEO of a venture capital firm and in that capacity had performed due diligence tasks. He stated that the traffic impact report submitted contained errors and omissions, including errors in the existing conditions. He asked the Board how they could have assurances that future information wouldn't also contain errors. Mr. Hathaway also expressed concern regarding the limited time of the traffic counts that were taken. He noted that the counts were taken on June 27, 2014 the first day of school vacation, consequently no school buses included in their count. He opined that the traffic counts should be performed on a normal school day.

Mr. Hathaway stated that the "build" vs. "no build" analysis contained errors and included a discussion regarding the bridge tolls on the Sakonnet River that no longer exist. He stated that the full build out of the Industrial Park was also included in the 2018 "no build" projection, which was used to reduce the difference between the "build" and "no build" conditions and was not accurate. He noted that the intersection Level of Service (LOS) analysis was based on only a few hours of observation. Mr. Hathaway referred to the breakdown of directional traffic, asking how the percentages were determined. He suggested that the methodology should be included in the report. He asked about the average and peak traffic for the hotel and conference center and what effect events would have on the traffic. He asked why this was not included in the study.

Mr. Hathaway stated that the proposed development would double the number of traffic lights on Main Road, with four (4) lights within a quarter mile plus three (3) lights on Fish Road within a quarter mile. He stated that that this would represent more density than Swansea, Dartmouth or Seekonk, and that it was not in conformance with the Comprehensive Community Plan and was not part of rural or scenic character of the Town.

Mr. Hathaway stated that the Main Road overpass was no longer four (4) lanes due to the number of accidents that had occurred between 2010 and 2012 and now contained a dedicated left turn lane. He stated that this area was the site of twice as many accidents than all other intersections in the study. Mr. Hathaway discussed the peak hour traffic increase, noting that there would be a more than five hundred (500) more cars per hour increase during the Saturday peak. He expressed concern with backups on the ramps to Route 24. He stated that there would be almost two thousand (2,000) trips on average per hour attributed to the development. Mr. Hathaway inquired about holiday traffic, noting that most shopping centers experience an increase of 300%. He summarized that it would be an excessive amount of traffic and that there are errors in the report. He stated that the proposed zoning ordinance amendment includes a prohibition on nuisances and opined that traffic, noise and pollution would clearly constitute a nuisance.

Mr. Hathaway read from a publication from the US Department of Transportation / Federal Highway Administration regarding traffic congestion and reliability. The excerpted section related to quality of life, air quality and public infrastructure improvements. He stated that the proposed plan was in conflict with the Town's Comprehensive Community Plan, which states that it is essential to provide efficient and safe circulation. Mr. Hathaway read from page 132 of the Plan regarding quality of place and the need for attractive appearances. He read from page 155 regarding the need for net tax revenue without sacrificing the character of the Town. Mr. Hathaway noted that property rights must be balanced with these requirements.

Keith Ridge, 1119 Main Road, opined that the neighboring homes would be crushed in value and would be almost worthless. He noted that on the plan sheet labeled "T-3", the two homes directly across from the intersection were not shown leaving an impression that this area was an open field. He stated that the plan was misleading. He noted that on sheet "T-4" the home at the corner of Souza and Main Road had also been omitted, is also not depicted. He asked if the correct information would be passed along if and when this application proceeds to the Town Council. Mr. Ridge also inquired about the proposed third lane on Main Road, asking how this would be physically possible. The Chairman noted that the applicant would be allowed to respond after all public comment had been received.

Mr. Ridge noted that a third lane was also proposed at the intersection of Souza Road and Fish Road in an already established area. He asked how this was possible. Mr. Ridge opined that there was civil engineering work to be done. He asked how many traffic signals were proposed on Main Road, and if they would be overhead or pole lights. He asked how many directional signs would be needed. He asked if these signs would face traffic leaving the homes looking at the back side. He stated that it seemed like the existing homes were disposable. Mr. Ridge stated that the Main Road entrance would be a point of enormous impact. He opined that this was a bad design in the wrong location and that this is an established residential area. Mr. Ridge stated that there had been a complete disregard for the homeowners by the developer and that he hoped that the Town had a better moral compass. Mr. Ridge concluded by urging the Planning Board to deny the application.

John Foley, 43 Highland Road, expressed concern regarding the process, which allowed the developer to come in with a plan inconsistent with the Town's Comprehensive Community Plan and then ask for the Plan to be changed. Mr. Foley noted that the RI Land Use Act stressed the need to avoid reactive land use decisions and that acting reactively would put the Town in a position to be in conflict with legislative findings. He stated that developers do not dictate the contents of the Comprehensive Community Plan. He stated that the Plan is not a "team effort" between the Town and those outside of the Town and that developers do not have a seat at the table. Mr. Foley noted that the Plan is formed between citizens, the Planning Board and the Town Council. He added that the committee currently working on the Plan update had held public input sessions, and that he did not recall any member of the public suggesting anything like what was being proposed by the developer. He stated that the application was not consistent with the Comprehensive Community Plan and was conceptually identical to the previous New England Development plan and that it should be rejected.

Mr. Foley stated that the Town was currently working to revise the Comprehensive Community Plan. He stated that the Town should be allowed to complete this process and then the developers can fit within what the Town has decided. Mr. Foley stated that he had moved to Tiverton because there was no high impact commercial district and that his high tax bill brings him a high quality of life.

Town Councilor Jay Lambert, 85 Sunset View Drive, also urged the Planning Board to use their moral compass to consider the whole community and not just those in the room. He noted that the local unemployment rate had gone up steadily and Rhode Island had the 48th worst rate in the country. Mr. Lambert noted that when the [property] tax rate goes up, it has a different impact on people on a fixed income or are struggling financially. He noted that the school population had been in decline. Mr. Lambert asked what the Town had done for taxpayers over the past nine (9) years. He stated that he had reviewed the Town's business history with Scott Humphrey (Chairman of the Tiverton EDC) and realtor Bernard Giroux. Mr. Lambert reviewed several businesses that had opened and closed. He opined that this was a miserable record, noting that the real unemployment rate was over 17%. He asked how many members of the Town Council work in Tiverton or even in Rhode Island.

Mr. Lambert concluded by stating that the Planning Board needs to represent people who are not present at the meeting but they are part of the community. He stated that the Town was in need of a broader commercial tax base.

Ann Dupre, 4230 Main Road and owner of Sakonnet Grooming and Atlantic Fitness, asked what was the point of even having a Comprehensive Community Plan, if it could be changed by developers. She asked why developers, who don't live here or pay taxes here, should be accommodated. She stated that the proposed development is a massive mall and that the projected tax revenue is an illusion. Ms. Dupre stated that more retail is not needed as the Town is surrounded by retail. She stated that the Comprehensive Community Plan seeks to avoid traffic, noise pollution and sign pollution. She urged the Planning Board to focus on what we have and to protect the Comprehensive Community Plan.

Carol Herrmann, 1106 Main Road, asked to read a statement from Susan Krumholz of 68 South Avenue who was unable to attend the meeting (see file for copy). Ms. Krumholz issued strong objection to the proposal,

asking where the customers would come from. Ms. Krumholz also expressed concern that the Town would be left with a “white elephant”.

Susan Anderson, 1137 Main Road and Chair of the Town’s Historical Preservation Advisory Board, noted that it had taken two years for the Town to become a “Preserve America” community (applied in May 2009 and was accepted in May 2011). She stated that there had been two criteria. One criterion was that the Town must support a historical preservation project, which the Town had done with the redevelopment of the Bourne Mill. She stated that Preserve America communities do not have large scale commercial developments. Ms. Anderson stated that she had not heard the developer state which stores would be located within the development and asked if the Town wanted more empty stores on Main Road. She noted that in the City of Woonsocket, businesses have been invited to set up in empty stores. She stated that it must be a priority to fill Tiverton’s vacant stores and that the Town should strive to remain a Preserve America community.

Ms. Anderson expressed concern about wildlife, noting that a family of turkeys lives in the area, as well as wildlife which had been displaced from the Starwood site and the industrial areas on Fish Road.

The Chairman read aloud correspondence received from Al and Nancy Cormier, 348 Souza Road (see file).

Hearing no more questions or comments from the audience, the Chairman asked the applicant if they would like to respond. Mr. Moses submitted two (2) letters to the Board, one regarding the GoLocalProv article on the Providence Fruit Market and one regarding Peter Moniz’s written comments regarding the project’s phasing. Mr. Moses stated that the facts regarding the Providence Fruit Market were very different than what was portrayed in the article. He stated that the City of Providence had ordered the building to be demolished through Judge Silverstein and that the developer had lost \$7 million in historic tax credits. Mr. Moses also stated that the applicant was flexible and willing to discuss phasing of this project.

Mr. Moses addressed the comments regarding Preserve America, noting that Providence, Cranston, Woonsocket, Westerly, East Providence and North Smithfield are also Preserve America communities. He suggested that the Board members could look at the Preserve America website for more examples. He stated that planner Joseph Lombardo was also present to address the school impacts letter from Superintendent Rearick.

Planning consultant Joseph Lombardo, AICP stated that he had read and reviewed the Superintendent Rearick’s letter which projected that student populations would mirror the Bourne Mill. He noted that Superintendent Rearick had utilized the gross spending per student, without subtracting state aide. Mr. Lombardo stated that he had reviewed other residential developments and had arrived at an average of 5 children per 100 units. Mr. Lombardo reviewed the differences at the Bourne Mill, noting that the units were more attractive to families since some were large townhouse units with a loft – essentially making a 2-bedroom unit function as a 3-bedroom unit. He noted that the project also contained 3-bedroom units. Mr. Lombardo stated that the Tiverton Crossings units would be 1- and 2-bedroom. He noted that the Bourne Mill accepts Section 8 vouchers and that rents range from \$900 - \$1,500 / month with Section 8 residents paying 30% of their gross income. Mr. Lombardo opined that the Bourne Mill was functioning as an extension of the Fall River housing market.

Mr. Lombardo stated that the Bourne Mill was a standalone project with amenities attractive to families. He contrasted this with the Tiverton Crossings units, which, he said, would not be ideal for children.

Mr. Moses presented a real estate expert on behalf of the applicant. Thomas Sweeney introduced himself as a certified appraiser and broker. He stated that he had compared the proposed Tiverton Crossings to the Bourne Mill project, which was located within a residential neighborhood. He opined that there would only be a slight chance that the Tiverton Crossings numbers could be comparable with the Bourne Mill project. He noted that Bourne Mill was strictly residential, which Tiverton Crossings would be residential over retail. Mr. Moses submitted copies of the Bourne Mill brochure for the record (see file). Mr. Moses concluded by stating that it

was clear that an applicant could request amendments to the Town's Comprehensive Community Plan and Zoning Ordinance.

The Chairman asked the Board how they would like to proceed regarding Fiscal Impact analysis. Ms. Eva asked if the firm of Tischler Bise who had been used for the New England Development proposal on the same parcel, had been asked to provide a proposal. Ms. Michaud replied in the negative, but stated that she would if that was the wish of the Board. She noted that the firm was located in Maryland and that for comparison the last analysis cost \$11,000. Ms. Gill noted that the current proposal submitted by Wimbourne & Summertree of Newport indicated that there would be a 30-day turnaround. Mr. Hardy stated that he preferred "Option 3" on the proposal from the Economic Development Foundation of RI, but that he didn't feel strongly. He stated that a dynamic analysis was needed, which would take into account all of the changes that would come into play. Ms. Eva stated that she supported "Option 3" from the EDFRI as well.

After a brief discussion regarding time frames, Mr. Hardy stated that he had changed his mind and would like to support the Wimbourne & Summertree proposal. Ms. Guimond and Mr. Campbell agreed. Mr. Saurette stated that a reasonable time frame was needed.

Mr. Hughes made a motion to advance the Wimbourne & Summertree proposal for independent fiscal impact analysis. Mr. Hardy seconded the motion. The Chairman noted that the proposal included a detailed scope of work and good resumes. Ms. Guimond added that the work was outlined well and that the consultants would attend a meeting with the Board. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

The Chairman confirmed with Mr. Coates that VHB would meet with Commonwealth prior to the next meeting, and that revised plans that address survey issues would be submitted at a 24" x 36" size. Ms. Michaud asked the applicant to summarize revisions in a memorandum, with notations as to which Commonwealth comments could not be addressed until Preliminary Plan.

Mr. Hardy made a motion to continue the petition to October 21, 2014 at 7:00 PM at the High School auditorium, with the public informational meeting to remain open. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

Ms. Eva asked Ms. Michaud to remind other Town Boards and Commissions that comments were still being accepted.

2. Tiverton Planning Board

A. Miscellaneous There was no miscellaneous discussion.

B. Adjournment: Mr. Saurette made a motion to adjourn. The motion was seconded by Ms. Hardy. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion. The meeting adjourned at 10:40 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: _____
Kate Michaud, Clerk

Approval Date: DRAFT